

9/A

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,692	EKSTAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Eliseo Ramos-Feliciano	2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment filed on 4/2/2002.
2. ☒ The allowed claim(s) is/are 1-16 (renumbered 1, 5, 8, 11, 14, 2, 4, 6, 9, 12, 15, 7, 10, 13, 16, and 3, respectively).
3. ☒ The drawings filed on 02 April 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>filed on 4/2/2002</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the Information Disclosure Statement filed on April 2, 2002 have been considered by the examiner (see attached PTO-1449 form).

### *Allowable Subject Matter*

2. **Claims 1-16** (*renumbered 1, 5, 8, 11, 14, 2, 4, 6, 9, 12, 15, 7, 10, 13, 16, and 3, respectively*) are allowed.

3. The following is an examiner's statement of reasons for allowance:

**Claim 1** is allowed because the prior art of record fails to anticipate or render obvious a method for implementing channel changes from a current plan to a new predetermined plan in a cellular network including the steps of 1) blocking equipment ("the equipment is blocked from communicating on the current channel" – specification, page 5, line 8) that shall be changed in a first group of cells; 2) blocking equipment that shall be changed in a second group of cells, while performing the cell plan changes in the first group of cells; and 3) repeating the procedure until all cells have been changed; all steps in combination with all other steps in the claim as defined by applicant.

**Claim 2** is allowed because the prior art of record fails to anticipate or render obvious a method for implementing channel changes from a current plan to a new predetermined plan in a cellular network including the steps of 1) blocking the equipment ("the equipment is blocked from communicating on the current channel" – specification, page 5, line 8) with the selected order number that shall be changed; 2) changing channel in the selected equipment according to a new cell plan, while marking channels to be used under the new cell plan, while blocking the

Art Unit: 2687

equipments presently using the marked channels under the current cell plan; and 3) repeating the routine until no order numbers are left; all steps in combination with all other steps in the claim as defined by applicant.

**Claim 3** is allowed because the prior art of record fails to anticipate or render obvious a method for implementing channel changes from a current plan to a new predetermined plan in a cellular network including the steps of 1) blocking the selected equipment (“the equipment is blocked from communicating on the current channel” – specification, page 5, line 8) that shall be changed; 2) changing channel according to a new cell plan in the selected equipment, while marking channels changed to, while blocking the equipments presently using the marked channels under the current cell plan; and 3) repeating the routine until no order numbers are left; all steps in combination with all other steps in the claim as defined by applicant.

**Claim 4** is allowed because the prior art of record fails to anticipate or render obvious a method for implementing channel changes from a current plan to a new predetermined plan in a cellular network including the steps of 1) blocking the selected equipment (“the equipment is blocked from communicating on the current channel” – specification, page 5, line 8) that shall be changed; 2) changing channel according to a new cell plan in the selected equipment, while marking channels changed to, while blocking the equipments presently using the marked channels under the current cell plan; and 3) repeating the routine until no order numbers are left; all steps in combination with all other steps in the claim as defined by applicant.

**Claim 5** is allowed because the prior art of record fails to anticipate or render obvious a method for implementing channel changes from a current plan to a new predetermined plan in a cellular network including the steps of 1) blocking the selected equipment (“the equipment is

Art Unit: 2687

blocked from communicating on the current channel" – specification, page 5, line 8) that shall be changed; 2) changing channel in the selected equipment according to a new cell plan, while marking the channels changed to, while blocking the equipments presently using the marked channels under the current cell plan; and 3) repeating the routine until no order numbers are left; all steps in combination with all other steps in the claim as defined by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Guimont et al.** (US Patent Number 6,052,593), and **Henson et al.** (US Patent Number 5,974,324) both disclose a conventional frequency reuse method.

***Conclusion***

5. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 703-305-0078. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERF/erf  
November 24, 2004

**ELISEO RAMOS-FELICIANO**  
**PATENT EXAMINER**



11/29/04  
**LESTER G. KINCAID**  
**PRIMARY EXAMINER**